AMENDMENT NUMBER ___

TO THE

OFFICIAL PLAN

OF THE

TOWN OF LINCOLN

Official Plan Amendment Number ___ was adopted by the Council of the Corporation of the Town of Lincoln by By-law No. 20__-_____, in accordance with the provisions of Section 17(22) of the Planning Act, R.S.O. 1990, and amendments made thereto on the ____ day of _____, 20__.

Julie Kirkelos Clerk	Sandra Easton Mayor

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THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 20__-___

A BY-LAW TO ADOPT AMENDMENT NO. ____ TO THE OFFICIAL PLAN FOR THE TOWN OF LINCOLN

WHEREAS the Council of the Corporation of the Town of Lincoln in accordance with the provisions of The Planning Act, R.S.O. 1990, hereby enacts as follows:

1. Amendment No. ___ to the Official Plan for the Town of Lincoln, being the attached text, is hereby adopted.

2. This By-law shall come into force and take effect on the date of passing thereof.

PASSED AND ENACTED on the __ day _____, 20__.

_____
MAYOR: SANDRA EASTON

_____
CLERK: JULIE KIRKELOS

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AMENDMENT NUMBER ___

TO THE

OFFICIAL PLAN

FOR THE

TOWN OF LINCOLN

PART 1 – THE PREAMBLE

1.1 TITLE

This Amendment shall be known as Amendment Number ____ to the Official Plan of the Town of Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text. The preamble does not constitute part of the actual amendment but is included as background information.

1.3 PURPOSE

The purpose of the Amendment is to amend the parkland dedication and cash in lieu of parkland dedication policies to align with changes to Sections 42, 51.1 and 53 of the Planning Act. The amendment also amends the policies to permit the use of the alternative parkland dedication rates as provided for in Section 42.

1.4 BASIS OF THE AMENDMENT

Section 42 of the *Planning Act* directs municipalities with respect to the conveyance of land for parks or other public recreational purposes as part of the approval of a development application. The contribution can be in the form of a land conveyance to the Town for the development of a park and/or the payment of cash in lieu of land to be used to acquire land for parks and other recreational facilities.

Parkland dedication is a tool used by municipalities to acquire land for parks and/or provide funding for new parks and recreational facilities as the Town continues to grow. Parks are critical to support a healthy community. As the Town continues to grow, so does the pressure on Town parks. If the Town does not continue to expand and upgrade its parks, there will be an overall deficiency in parkland as the existing park system cannot support the growth anticipated in the community.

The *More Homes Built Faster Act, 2022* included amendments to Section 42 of the *Planning Act* relating to parkland dedication and cash in lieu of parkland. Although the Official Plan currently contains policies regarding the dedication or cash in lieu of parkland, the current

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policies do not align with the changes to the *Planning Act* included in the *More Homes Built Faster Act, 2022*. As a result, it is necessary to update the policies to align with the changes to the Planning Act.

Section 42 provides for the use of alternative requirements for the dedication of land for parks purposes. The current Official Plan polices do set out criteria for the use of alternative parkland dedication requirements, however, to make use of the new provisions of Section 42, it is necessary for the Town to update the polices in the Official Plan as well as adopt a new parkland dedication and cash in lieu of parkland by-law.

Section 42 requires the consideration of lands that could include part of an abutting parcel, lands subject to an easement, lands which are encumbered by below grade infrastructure such as an underground parking garage, or privately owned public space (POPS). Although this provision of Section 42 is not yet in force, this Amendment to the Official Plan anticipates it by including conditions for the acceptance of these types of land in order for the Town to determine the appropriateness of accepting them since any refusal by the Town to accept those lands can be appealed to the OLT. This will ensure that when those changes come into effect, that the Town has the appropriate policies in its Official Plan to guide its decisions.

The policies of this Amendment which implement specific amendments to Section 42 of the *Planning Act* made by the *More Homes Built Faster Act, 2022* shall come into effect when those amendments are proclaimed into force.

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PART 2 – THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 – THE AMENDMENT, consisting of the explanatory text constitute Amendment Number ____ to the Official Plan of the Town of Lincoln.

2.2 DETAILS OF THE AMENDMENT

TEXT AMENDMENTS

1. Subsection 3.6.4(e) is hereby amended as follows (additions shown in red).

"(e) The dedication of land or the acceptance of cash-in-lieu of land dedication for park purposes or other public recreation purposes required as a condition of ~~in the case of~~ *development* or *redevelopment* shall be in accordance with the following requirements, pursuant to Sections 42, 51.1 and 53 of the Planning Act, as amended, or any successor thereto:

(i) For commercial and industrial purposes:

(a) The conveyance of 2% of the land being developed or redeveloped, pursuant to Section 42(1) of the Planning Act, as amended, or any successor thereto;

(b) The payment of money equal to the value of the land required to be conveyed in Section 3.6.4(e)(i)(a); ~~The value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, where more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued, pursuant to Section 42(6) of the Planning Act, as amended, or any successor thereto.~~

(c) The value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued pursuant to Section 42(6.4) of the Planning Act, as amended, or any successor thereto.

(d) Where the lands are subject to site plan approval or approval of an amendment to the Zoning By-law, the amount of the cash in lieu payment is to be based on the value of the land at the time of the approval of the site plan application or the approval of an amendment to the Zoning By-law, in accordance with Section 42(2.1) of the Planning Act, as amended, or any successor

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thereto. Section 3.6.4(e)(i)(d) does not apply if, on the date the first Building Permit is issued for the Development or Redevelopment, more than two (2) years have elapsed since the approval of the site plan application or the approval of the amendment to the Zoning By-law.

(ii) For all other purposes:

(a) The conveyance of 5% of the land being developed or redeveloped, pursuant to Section 42(1) of the Planning Act, as amended, or any successor thereto, or the conveyance of land at the alternative rate of one (1) hectare for each six hundred (600) dwelling units proposed, whichever is greater, in accordance with Section 42(3) of the Planning Act;

(b) ~~The conveyance of land at a rate of one (1) hectare for each three hundred (300) dwelling units proposed, pursuant to Section 42(3) of the Planning Act, as amended, or any successor thereto; or~~ The payment of money equal to five percent (5%) of the value of the land being Developed or Redeveloped; or the payment of money equal to the alternate rate of one (1) hectare for each one thousand (1,000) dwelling units proposed, whichever is greater;

(c) ~~The payment of money equal to the value of land required to be conveyed in Section 3.6.4(e)(ii)(a) or 3.6.4(e)(ii)(b) The value of the lands shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, where more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued, pursuant to Section 42(6) of the Planning Act, as amended, or any successor thereto.~~ The value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued pursuant to Section 42(6.4) of the Planning Act, as amended, or any successor thereto.

(d) Where the lands are subject to site plan approval or an amendment to the Zoning By-law, the amount of the cash in lieu payment is to be based on the value of the land at the time of the approval of the site plan application or the approval of an amendment to the Zoning By-law, in accordance with Section 42(2.1) of the Planning Act, as amended, or any successor thereto. Section 3.6.4(e)(ii)(d) does not apply if, on the date the first Building Permit is issued for the development, more than two (2) years have elapsed since the approval of the site plan application or the approval of an amendment to the Zoning By-law.

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(e) The dedication of land required to be conveyed in Section 3.6.4(e)(ii)(a) and/or the payment of money equal to the value of the land required to be conveyed in Section 3.6.4(e)(ii)(b) shall be capped as follows:

- In the case of land proposed for development or redevelopment that is five (5) hectares or less in area, 10% of the land or the value of the land, as the case may be; and

- In the case of land proposed for development or redevelopment that is greater than five (5) hectares in area, 15% of the land or the value of the land, as the case may be.

(f) Permitted exemptions and reductions from dedication of lands for parks purposes and the payment of cash in lieu of parkland payments may be set out for the specified residential unit types as follows, in accordance with Section 42 of the Planning Act, as amended, or any successor thereto:

- Additional residential units;
- Affordable housing units;
- Attainable housing units;
- Inclusionary zoning units; and
- Non-profit housing units,

all as defined in the Development Charges Act, as amended or any successor thereto."

Subject to Proclamation

2. Subsection 3.6.4(f) is hereby amended as follows (additions shown in red):

"(f) To ensure that parkland dedications are of an acceptable quality, all sites dedicated as parkland must conform to the Town's Parks, Recreation and Culture Master Plan, must be accepted by the Town and must satisfy all of the following:

(i) Be relatively level and not required for drainage purposes, nor contain lands susceptible to flooding, have steep valley slopes or other physical features which are unsuitable for open space/park development;
(ii) Have good drainage characteristics;
(iii) Be centrally located within a neighbourhood or community context to provide convenient vehicular and pedestrian access;
(iv) Provide a reasonable park configuration to accommodate ~~the dimensions and shape of large playing fields;~~ parks and recreational needs based on the park classification within the Parks Recreation and Culture Master Plan;
(v) Be visually prominent within the *development*;
(vi) Be provided with basic service requirements;
(vii) Be developed in accordance with the Town parkland standards, as may be modified from time to time;

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(viii) The Town is satisfied that the lands provide a benefit to the neighbourhood or community;

(ix) Lands not satisfying all of these criteria may be deemed acceptable if they are important for achieving an identified trail connection. Dedication credits may be adjusted based on the relative value of the lands assessed according to the above criteria; and

(x) Lands with wetlands or woodlots retained for conservation purposes or within any natural heritage designation and/or which have been identified as hazard lands shall not be considered as part of the required minimum dedication of parkland pursuant to this section of the Plan."

3. Subsection 3.6.4 is hereby amended by adding the following new subsections (g) and (h) and renumbering subsections 3.6.4(g) to (r) to subsection 3.6.4(i) to (t) respectively (additions shown in red):

" (g) In accordance with Section 42(4.31) of the Planning Act, as amended or any successor thereto, the Town may consider the acceptance of the following types of lands as contribution towards the parkland dedication requirements of Section 3.6.4(e):

(i) Conveyance of part of an abutting parcel; or
(ii) Lands subject to an easement or other right-of-use restriction; or
(iii) Lands encumbered by below grade infrastructure; or
(iv) Other interest in land which is sufficient to allow the land to be used for parks or other public recreational purposes.

(h) To ensure that lands considered by the Town as a contribution towards parkland in Section 3.6.4(g) are acceptable to the Town, the lands must satisfy the applicable requirements of Section 3.6.4(f) as well as the following requirements:

Subject to Proclamation

(i) Any easement, encumbrance, or right-of-use on the lands shall not limit or restrict the Town's access and use of the lands for the purposes intended;

(ii) The lands must remain open space and accessible to the general public at all times such that the function is consistent with that of a public park;

(iii) The lands must be located along the frontage and/or the exterior side yard of a parcel so that they are visible from a public street and easily accessed by the public;

(iv) The owner must at their expense and to the satisfaction of the Town, prepare at minimum, a design of the space which incorporates the following:
(a) Pedestrian comfort;
(b) Pedestrian access and circulation;
(c) Public safety;
(d) Active edges which connect with the Town's existing public realm;

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Subject to Proclamation

(e) Are located such that they do not conflict with building servicing such as loading and vehicular parking;

(f) Provides design elements such as play structures, seating, tables, public art, landscaping, hard surfaces, lighting, weather protection, signage and other public amenities;

(v) An easement in favour of the Town is provided in perpetuity to ensure public use of the lands to the satisfaction of the Town; and

(vi) An agreement is entered into with the Town to set out the owner's obligations regarding construction of the space and facilities, maintenance (both repair and reconstruction), liability insurance, and operational issues such as garbage removal and snow removal."

2.3 IMPLEMENTATION

This Amendment will be implemented by the enactment of a new parkland dedication and cash in lieu of parkland dedication by-law. The policies of this Amendment which implement specific amendments to Section 42 of the *Planning Act* made by the *More Homes Built Faster Act, 2022* shall come into effect when those amendments are proclaimed into force.

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